

Town of North Andover
PLANNING BOARD

John Simons, Chairman
Lynne Rudnicki
Michael Colantoni



David Kellogg
Lora McSherry
Peter Boynton

Tuesday April 21, 2015 @ 7 p.m. Town Hall, 120 Main Street, North Andover, MA 01845

Present: L. Rudnicki, L. McSherry, D. Kellogg, P. Boynton

Absent: J. Simons, M. Colantoni

Staff Present: Jean Enright, Bonnie Wolstromer

L. Rudnicki: The Planning Board meeting for Tuesday, April 21, 2015 was called to order at 7 p.m.

PUBLIC HEARINGS:

CONTINUED PUBLIC HEARING, OSGOD Solar LLC: Application for OSGOD Special Permit. Applicant seeks to construct rooftop and parking canopy-mounted solar photovoltaic system, 6MW. Applicant proposes 5,500 rooftop mounted solar modules and approximately 14,000 carport canopy mounted solar modules on approximately 21 rows of structures that are approximately 150' - 630' long and 39' wide. The project is within the Industrial 2 Zone (I2) and in the OSGOD Smart Growth Overlay District.

L. Rudnicki: There are only three regular members in attendance, and an associate member. Requested a motion to continue hearing it without hearing any evidence.

MOTION: L. McSherry motioned to continue the public hearing for OSGOD Solar LLC without hearing any evidence to the next Planning Board meeting (5/5/15). The motion was seconded by D. Kellogg. The vote was unanimous, 3-0 in favor.

DISCUSSIONS:

Rea's Pond Pump Station, Woodard & Curran on Behalf of NA Department of Public Works: Request for a Waiver of provisions of Watershed Protection District.

J. Enright: Bruce Thibodeau, DPW Director, is here to present a request for a Watershed Special Permit waiver. The existing pump station is within the 50' no build zone for Conservation. This project proposes to move it out of that zone and outside the FEMA flood plain. The new station is designed to support the seasonal high and low flow variations with improved pumping capacity, wastewater storage and enhanced redundancy and resilience within updated electrical service backup controls and standby power.

B. Thibodeau: This project has been in the CIP program for a while. Part of the project is the pump station and the other portion is the upgrades to the sewers on Sutton Street. This year we approach Town Meeting for approval of funds to build this new pump station. We hope to build it over the next 18-20 months. The original station was built in the 1980's by developers to service French Farm. The new station will be built to the left of the existing station. It is located across from the lake on Route 133. It is currently under capacity, antiquated and services a large area. The lines that lead into it are in and along wetlands. When we have rainstorms, it experiences a great deal of in-flow. We have done a lot of work on the sewer system which is tributary to it. We've never had an overflow, but it's potential. This will be a below ground pump station, the only thing you will see is the generator set and the electrical. There are best management practices for the drainage. Where there is impervious ground, a lip will catch the water run off which will then be placed into a stormceptor and into infiltration. The old station will be demolished and a gravel parking area will be provided. I am here to ask for your approval for the waiver and answer any questions the Board may have.

L. Rudnicki: What is the life span of the new station?

B. Thibodeau: Approximately fifty years.

D. Kellogg: How much additional impervious will there be?

B. Thibodeau: Parking will be gravel. Post development is less than what is there now.

J. Enright: There is a paved driveway being added and some of the stormwater management is to catch the stormwater runoff from the driveway. It does involve infiltration, which is typically not allowed within Zone A-

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however, DEP and Jennifer Hughes have reviewed it. There was no alternative than to infiltrate and DEP has indicated that infiltrating is better than nothing.

L. Rudnicki: Is the capacity being oversized for future developments?

B. Thibodeau: Yes, that was part of the planning process. The average daily flow was increased by 35-40% and the peak almost double.

J. Enright: Approximately 4,100 square feet of wooded area is to be cut and removed. You propose to replant Conservation mix of seed. Is there any opportunity to plant trees?

B. Thibodeau: Plantings will occur along the front of the station. For security purposes, you also want visibility.

L. Rudnicki: Parking, for how many cars?

B. Thibodeau: There will be a gravel area (+/-25' x 25') for 3-4 visitor vehicles.

J. Enright: A Notice of Intent has been filed with Conservation. They open the hearing 4/22/15. Erosion control will be required as well as site visits by Planning and Conservation.

MOTION: D. Kellogg motioned to waive the Watershed Special Permit. L. McSherry seconded the motion. The vote was 4-0, unanimous in favor.

Annual Town Meeting Warrant Article:

B. Thibodeau: Presented the Capital Improvement Budget Plan for the 2016 fiscal year. (Public Works, Water and Sewer Enterprise Fund). The Pavement Management Program funding is split that between Chapter 90 and local funds we are requesting at Town Meeting. The five year Pavement Management Program is on the website. Periodically, we review every road in town rating them from 0-100. We rated them five years ago, and we repeated that last year.

L. Rudnicki: I've noticed all the gas lines that were dug in over the past year or two are not compacted, when winter comes they all settle in. Do we require any type of bond for them to come back and fix those?

B. Thibodeau: They come back by state statute. The gas company is good about coming back. We have a new plan for them to come in and grind it out and put it back together. The other part of this is the sidewalk reconstruction which is repair of the old sidewalks. It's just those two items under the Public Works or general fund.

B. Thibodeau: The Sewer and Water Enterprise fund also includes asset management funds to take care of the 22 other sewer pump stations that we maintain. We will use the money in the Sewer Mitigation fund that developers pay into, to replace a sewer on Commonwealth Avenue, a leaky 100 year old sewer. Under the Water Enterprise fund, we have been doing a major renovation of the water treatment plant: all the upgrades are pumps, renovations to the HVAC system, roof, variable speed drives, lighting, new electrical power management system, computer control, the ozone system (the major energy hog) which is the disinfectant that cleans the water, demolition of the pump station(#1) along the lake, corrosion study and repairs to piping at the water treatment plant, improvement to that asset management and some of the chemical feed tanks. There is some money to do the process control computer system at the treatment plant. We are also wiring for the remote pump stations and tanks.

P. Boynton: Do the improvements to the computer system include cyber security?

B. Thibodeau: That is a major part of that. There are a lot of concerns on how we get the signals back to the treatment plant and we have to be very careful on what systems we use because of the cyber-security.

J. Enright: The recommendation of favorable or unfavorable action can wait until the next hearing so that John and Michael can be updated on Bruce's presentation.

PUBLIC MEETING:

602 Boxford Street: Messina Development Corp.: Applicant proposes a 7-lot Preliminary Subdivision Plan for a Planned Residential Development on an 18 acre +/- parcel of land in the R-1 zoning district.

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91 J. Enright: This item is a public meeting for a Preliminary Definitive Subdivision plan and a Planned Residential
92 Development. The public meeting is not required to be noticed, however we did notice the abutters and Phil
93 Christiansen is here to represent the applicant and present the plans. The name submitted was Autumn Woods and
94 we currently have a subdivision named Autumn Chase in town (Periwinkle, Nutmeg and Thistle). It is
95 recommended that a change of name may be beneficial.

96 Phil Christiansen, Christiansen & Sergi: The property is owned by Joyce Bradshaw on Boxford Street. Presented
97 a Proof plan for a Conventional Subdivision showing 18 acres, 7 potential lots located on the north side of
98 Boxford St., between Duncan Drive and Brookview Drive. Duncan Drive was developed before this became a two
99 acre zoned area and Brookview Drive was originally developed as a Planned Residential Development (PRD).
100 With 2 acre zoning, the 7 lots would meet the requirements of contiguous buildable area, lot shape, frontage, etc.
101 Tim Willet suggested bringing water in from a water line in Brookview Drive. The project will be on septic. We
102 went to Conservation early and filed an ANRAD to confirm the wetlands locations shown on the PRD plan.

103 J. Enright: Test pits have been done on all the sites. Health reviewed the test pits and submitted an email stating
104 they are all fine.

105 P. Christiansen: We are proposing the PRD vs. the Conventional Subdivision. Of the 18 acres, 11.5 acres is Open
106 Space. Of that Open Space, approx. 4 acres is wetland. There is access to the Open Space from Boxford Street
107 and Brookview Drive. One of the requirements of the PRD is a 50' buffer of natural vegetation. The septic
108 systems on Lots 4 and 5 are proposed to be placed within that buffer zone, so a waiver will be required.

109 J. Enright: The requirement is for the 50' buffer to run the full length of the perimeter of the parcel and to remain
110 in its natural state. Trees and shrubs can be added to enhance the buffer.

111 P. Christiansen: We are asking that that requirement be waived in just those particular instances. The roadway will
112 be low impact development- uphill road with swales along the edges of the road connected to a stormwater area
113 for treatment and provide some infiltration. We've met with Natural Heritage, the Open Space area is a priority
114 habitat for the endangered Blanding's turtles. Their over-wintering habitat is to the south. They felt that the
115 wetland to the left of the entry road, made a good foraging habitat. With the exception of the entrance, we haven't
116 come within 100' of wetlands and we've stayed more than 100' away with the entire subdivision.

117 J. Enright: What's the length of the roadway?

118 P. Christiansen: I believe it is a little over 700'.

119 L. Rudnicki: Is the only waiver you are asking for the septic on two lots and clearing? How far back are you
120 clearing for those septic?

121 P. Christiansen: Yes, waiver for the 50' PRD no cut buffer zone on those two lots. The septic are probably within
122 35' of the lot line- two trenches, approx. 40' long and 2' wide.

123 L. Rudnicki: You'll probably have to clear about sixty feet due to working space?

124 P. Christiansen: Yes, we can't plant trees over them planting of grasses only, is allowed.

125 D. Kellogg: Are there regulations for a buffer between wetlands and the septic tanks?

126 P. Christiansen: The regulation for the tank is 50', but the system is a 100'.

127 J. Enright: Is there any alternative location for those two septic systems?

128 P. Christiansen: Not really. One can possibly be relocated. The alternative is to construct the conventional
129 subdivision which wouldn't save the Open Space. There is much less impact with the PRD.

130 L. McSherry: Where does the road typically flood on Boxford Street?

131 P. Christiansen: I suspect where Mosquito Brook travels under the road.

132 L. Rudnicki: I believe we have some abutters with questions.

133 Jim Baptiste, 537 Boxford Street: Is the road access going to be on Boxford Street?

134 P. Christiansen: Yes. Described the location of Boxford Street.

135 J. Baptiste: It's closer to Brookview Drive than Duncan Drive.

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Lauren Cramer, 537 Boxford Street: I want to understand the septic system issue- are you seeking a waiver for two houses and their septic systems or is this a septic system connected for all of the houses?

P. Christiansen: It's for two individual houses and the waiver is not specifically on septic system regulations but only on the Planning Board regulations of a buffer zone. It'll be a septic system required by Title 5 and local rules.

L. Cramer: What happens with all the trees you are cutting down in this area to create this whole complex?

P. Christiansen: They chip them, ship them to NH and burn them for energy.

L. Cramer: Is there any requirement of certain amount of trees and shrubs to be replanted?

P. Christiansen: No.

L. Cramer: Are the lot sizes just under 2 acres each?

P. Christiansen: In the normal subdivision they are 2 acre lots. One of the advantages of the PRD is that they are ½ acre lots, reducing the amount of trees cut and land used for the houses. The lots are a quarter of the size they would be under normal regulations.

L. Cramer: How much time will this take to build?

P. Christiansen: We'll probably start in August. You can get a road in prior to winter, get some foundations in, and probably start selling houses in the spring. If it's a good year, you'll sell 7 houses. It depends on how long house sales take.

L. Cramer: There was a comment about a fire hydrant being put on the road and I'm not sure exactly where on the road? Does this mean there's more plans for fire hydrants to come into the Boxford Street area?

P. Christiansen: That's for the Water department and the Fire Department to decide. There will be one in the subdivision and one between Brookview Drive and where this road is going. The town likes to space them 500' apart. We'll let them tell us where the fire hydrants go. These homes will be on town water and have fire protection.

L. Cramer: I've noticed it looks like they are going to be paving on Boxford St. up to the Boxford town line. Is this in anticipation of this?

J. Enright: I did speak to the Town Engineer about that and they will hold off on this section of paving on Boxford Street.

P. Christiansen: If it is approved, we get the water line in and then they'll pave that section.

L. Cramer: If it's approved are there certain hours that work is allowed?

L. Rudnicki: We set work hours as a standard, 7 a.m.-5 p.m., M-F, and Saturday 8-5. No Sunday work.

P. Christiansen: Regarding the name of the subdivision, an alternative is Wellington Woods.

L. Rudnicki: Unfortunately, we can't vote on this tonight due to a lack of quorum.

MOTION: D. Kellogg motioned to continue 602 Boxford Street, Wellington Woods to the next meeting. L. McSherry seconded the motion. Vote was unanimous 3-0 in favor of continuing to the next meeting.

DISCUSSION:

80 Saile Way, Paul Russell: Special Conditions required in Watershed Special Permit (WSP) Notice of Decision
Issued April 15, 2014

J. Enright: I have informed Mr. Russell that I added this discussion item to the agenda and told him he could attend the meeting if he would like to. This address has received a couple of Watershed Special Permits previously. There was a limit of work stated on the 2004 Notice of Decision-There was a violation to the Decision last year when work in the rear of this lot was conducted beyond the limit of clearing. The work included construction of a walkway and some clearing. In April of 2014 another WSP Notice of Decision was issued. The applicant did not attend that final hearing where the Decision was reviewed and amended from the draft version. After Mr. Russell received the Decision in the mail he contacted the Planning Department. At that time the Town Planner had just left the Town of North Andover. There was some email correspondence with myself and Curt

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Bellavance, previous Director of Community Development, where applicant, Paul Russell, expressed that he was not part of any discussions related to a bond or an as-built plan and did not agree with those conditions. Curt Bellavance responded to that email and let him know that he had an option to appeal the Decision or he could file for a modification to the WSP if he chose. From there, I don't believe there was any communication until this spring when Jennifer Hughes, Conservation Administrator, reached out to Mr. Russell to determine when the required planting work was going to begin. The Planning Department has not received the recorded plan or Decision. The bond has not been filed. No work had commenced last growing season. Mr. Russell insists that he did not agree with the conditions of the WSP and he does not intend to meet the criteria of the Special Permit. I informed Jennifer that no planting can begin until he files a bond because it is a conditioned in the Decision of the Planning Board and that I would discuss the situation with the Board.

L. Rudnicki: I do recall that discussion. Because of the situation, there was dispute over what was agreed upon in the original plans and we also required photographs in the Decision because the applicant claimed some things were pre-existing.

J. Enright: There were conditions that included pre-pictures, post-pictures, revisit the site a year later for compliance. The discussion during review of the draft Decision included deliberation regarding the amount of the bond and if it was enough to cover and as-built plan.

L. Rudnicki: My opinion is he has to post \$1K. We don't need an engineered as-built as long as there are definitive plans on what was planted and where it was planted.

L. McSherry: Is he saying he's not going post the bond and do what he wants to do?

L. Rudnicki: He's basically saying he disagrees with it a year later. He's not going to do it.

J. Enright: He responded to Conservation that he would get to the planting once the snow is gone.

L. Rudnicki: He'll do the plantings, but he's not willing to post the bond.

L. McSherry: How can we make him post the bond?

L. Rudnicki: The same way we had to bring in him and issue the order. We'll bring him back in.

J. Enright: I communicated to him that he can't begin the planting until he's met the conditions of the WSP. It has really stalled there.

L. Rudnicki: We had a meeting and he chose not to attend. I see no reason to waive it. During an inspection, he wouldn't let us on site and we had to issue a notice of enforcement. If we need to, we can record the Notice of Decision at the Registry. We should check with Tom Urbelis to determine if we can record the Decision.

J. Enright: If he chooses not to begin the work the permit expires two years after issuance. Conservation has an Order of Conditions.

P. Boynton: If there are no pre-photos is there clearing continuing?

D. Kellogg: We don't know.

J. Enright: He provided an existing planting diagram, it wasn't an engineered plan.

L. Rudnicki: The \$1K is refundable. We also didn't charge him a review fee for the Watershed Special Permit.

MINUTES APPROVAL

MOTION: D. Kellogg motioned to approve the April 7, 2015 meeting minutes. Motion seconded by L. McSherry. The vote was 4-0, unanimous in favor.

ADJOURNMENT

MOTION: L. McSherry motioned to adjourn the April 21, 2015 Planning Board meeting. The motion was seconded by D. Kellogg. The vote was 4-0, unanimous in favor. The meeting adjourned @ 8:00 p.m.

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MEETING MATERIALS:

Meeting Agenda 4.21.15; DRAFT Meeting Minutes 4.7.15

80 Saile Way: 80 Saile Way Decision, 80 Saile Way email status of Restoration, 80 Saile Way email trail, 80 Saile Way Locus; 1600 Osgood: 1600 Osgood (2) Applicant Request for Withdrawal Without Prejudice, 1600 Osgood 150324 G. Brown determination letter, 1600 Osgood Applicant Request for Withdrawal Without Prejudice, 1600 Osgood Legal Ad Osgood Solar Project, 1600 Osgood Narrative, 1600 Osgood OSGOD Application, 1600 Osgood Request for Continuation; Autumn Woods: Autumn Woods 602 Boxford lot 4 ANR Plan, Autumn Woods G. Willis Comments, Autumn Woods Locus, Autumn Woods Preliminary PRD Plan, Autumn Woods Preliminary Conventional Subdivision Plan, Autumn Woods T Willett Comments; Rea's Pond: Rea's Pond 2015-04-08 Notice of Intent Set (1), Rea's Pond Request for Waiver WSP, Rea's Pond Locus, Rea's Pond Thibodeau Letter; 150421 Planning Board Report; Appropriation-Capital Improvement Plan